

Remarks

Claims 1-9 are the subject of the written restriction requirement. Claims 1-9 are hereby canceled and new claims 10-12 are added by this response. Thus, claims 10-12 are now before the examiner. In light of the foregoing, the written restriction requirement dated July 6, 2006, should be rendered moot.

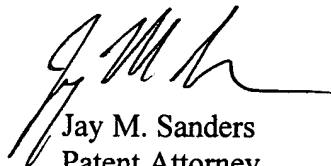
Basis for these claims can be found in paragraphs 4, 5, 66-68, and 78-80, for example. In particular, paragraph 66, for example, states that "Data analysis comparing the two sequences to other cloned and sequenced *B.t.* endotoxin genes showed that two distinct, unique partial toxin gene sequences had been found. Synthetic oligonucleotides were constructed to regions in both sequences that had minimum homology to other characterized *B.t.* endotoxin genes." SEQ ID NO:9 was constructed accordingly. Basis for claims 11-12 can be found in paragraph 76, for example.

The numbering of paragraph 67 on page 15 is corrected.

Although it is believed that no fees are due in connection with this Election, the Commissioner is hereby authorized to charge any such fees to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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